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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

S/015/0053

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January 12, 2010

Clay Stucki
Stucki, Steele, Pia, Anderson and Rencher
Wells Fargo Building
299 South Main Street, Suite 2200
Salt Lake City, Utah 84111

Subject: Response to Division Directive, Robert Clark, Clark 1/Emeryide Mine, S/015/0053, Emery County, Utah

Dear Mr. Stucki:

Thank you for your letter dated January 8, 2010, concerning operations and production at the referenced mine site. The Division's Directive to Reclaim was based on information available in annual reports and from inspections of the site. The last annual report received by the Division was for 2006, and it said the most recent production was in 1998. No report has been received since 2006, and it was not apparent from inspections that any production had been occurring, probably because of the small amount of production.

Rule R647-3-117 requires the filing of an operations and progress report (form MR-AR) by January 31 of each year. This form is available on the Division's web site at https://fs.ogm.utah.gov/pub/mines/minerals_related/forms/MR-AR-SMO.pdf, and it asks for production information. The amount of production should be reported on this form even if the amount is very small.

Your letter indicates Mr. Clark had difficulty with the Division's computer reporting system. The Minerals Regulatory Program does not use a computer reporting system for the information required in the annual reports, so I suspect he may have tried to file the information through one of the other programs within the Division, such as the coal or oil and gas regulatory program.

The Division considers that Mr. Clark has fulfilled the third alternative obligation in the Directive, but an annual report needs to be filed by January 31, 2010. We also ask that reports be filed for 2007 and 2008. He could use the same form and change the year.



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Your letter indicates you filed an appeal to the Board of Oil, Gas and Mining as a backup plan to avoid the loss of the right to show good cause for a longer suspension period. Since your letter shows that the mine has been in production, an appeal to the Board should not be necessary. Please let me know if you need to proceed with an action before the Board.

I appreciate your and Mr. Clark's attentiveness to the Division Directive and your timely response. Please let me know if you have questions about this letter. I can be reached at 801-538-5261.

Sincerely,

A handwritten signature in black ink, appearing to read 'P B Baker', written in a cursive style.

Paul B. Baker
Minerals Program Manager

PBB:vs

cc: waynewestern@utah.gov
christopher_conrad@blm.gov

Robert Clark, 1758 South 900 East, Salt Lake City, Utah 84105
Steve Alder

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